

2 **SSB 5905 - H COMM AMD ADOPTED 4/12/95**

3 By Committee on Corrections

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 9.94 RCW
8 to read as follows:

9 (1) An inmate of a state correctional institution who is serving a
10 sentence for an offense committed on or after August 1, 1995, commits
11 the crime of persistent prison misbehavior if the inmate knowingly
12 commits a serious infraction, that does not constitute a class A or
13 class B felony, after losing all potential earned early release time
14 credit.

15 (2) "Serious infraction" means misconduct that has been designated
16 as a serious infraction by department of corrections rules adopted
17 under RCW 72.09.130.

18 (3) "State correctional institution" has the same meaning as in RCW
19 9.94.049.

20 (4) The crime of persistent prison misbehavior is a class C felony
21 punishable as provided in RCW 9A.20.021. The sentence imposed for this
22 crime must be served consecutive to any sentence being served at the
23 time the crime is committed.

24 **Sec. 2.** RCW 9.94A.320 and 1994 sp.s. c 7 s 510, 1994 c 275 s 20,
25 and 1994 c 53 s 2 are each reenacted and amended to read as follows:

26 TABLE 2

27 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

28 XV Aggravated Murder 1 (RCW 10.95.020)

29 XIV Murder 1 (RCW 9A.32.030)
30 Homicide by abuse (RCW 9A.32.055)

31 XIII Murder 2 (RCW 9A.32.050)

1 XII Assault 1 (RCW 9A.36.011)
2 Assault of a Child 1 (RCW 9A.36.120)
3 XI Rape 1 (RCW 9A.44.040)
4 Rape of a Child 1 (RCW 9A.44.073)
5 X Kidnapping 1 (RCW 9A.40.020)
6 Rape 2 (RCW 9A.44.050)
7 Rape of a Child 2 (RCW 9A.44.076)
8 Child Molestation 1 (RCW 9A.44.083)
9 Damaging building, etc., by explosion with
10 threat to human being (RCW
11 70.74.280(1))
12 Over 18 and deliver heroin or narcotic
13 from Schedule I or II to someone
14 under 18 (RCW 69.50.406)
15 Leading Organized Crime (RCW
16 9A.82.060(1)(a))
17 IX Assault of a Child 2 (RCW 9A.36.130)
18 Robbery 1 (RCW 9A.56.200)
19 Manslaughter 1 (RCW 9A.32.060)
20 Explosive devices prohibited (RCW
21 70.74.180)
22 Indecent Liberties (with forcible
23 compulsion) (RCW 9A.44.100(1)(a))
24 Endangering life and property by
25 explosives with threat to human being
26 (RCW 70.74.270)
27 Over 18 and deliver narcotic from Schedule
28 III, IV, or V or a nonnarcotic from
29 Schedule I-V to someone under 18 and
30 3 years junior (RCW 69.50.406)
31 Controlled Substance Homicide (RCW
32 69.50.415)
33 Sexual Exploitation (RCW 9.68A.040)
34 Inciting Criminal Profiteering (RCW
35 9A.82.060(1)(b))

1 Vehicular Homicide, by being under the
2 influence of intoxicating liquor or
3 any drug (RCW 46.61.520)

4 VIII Arson 1 (RCW 9A.48.020)
5 Promoting Prostitution 1 (RCW 9A.88.070)
6 Selling for profit (controlled or
7 counterfeit) any controlled substance
8 (RCW 69.50.410)
9 Manufacture, deliver, or possess with
10 intent to deliver heroin or cocaine
11 (RCW 69.50.401(a)(1)(i))
12 Manufacture, deliver, or possess with
13 intent to deliver methamphetamine
14 (RCW 69.50.401(a)(1)(ii))
15 Vehicular Homicide, by the operation of
16 any vehicle in a reckless manner (RCW
17 46.61.520)

18 VII Burglary 1 (RCW 9A.52.020)
19 Vehicular Homicide, by disregard for the
20 safety of others (RCW 46.61.520)
21 Introducing Contraband 1 (RCW 9A.76.140)
22 Indecent Liberties (without forcible
23 compulsion) (RCW 9A.44.100(1) (b) and
24 (c))
25 Child Molestation 2 (RCW 9A.44.086)
26 Dealing in depictions of minor engaged in
27 sexually explicit conduct (RCW
28 9.68A.050)
29 Sending, bringing into state depictions of
30 minor engaged in sexually explicit
31 conduct (RCW 9.68A.060)
32 Involving a minor in drug dealing (RCW
33 69.50.401(f))

34 VI Bribery (RCW 9A.68.010)
35 Manslaughter 2 (RCW 9A.32.070)
36 Rape of a Child 3 (RCW 9A.44.079)
37 Intimidating a Juror/Witness (RCW
38 9A.72.110, 9A.72.130)

1 Damaging building, etc., by explosion with
2 no threat to human being (RCW
3 70.74.280(2))
4 Endangering life and property by
5 explosives with no threat to human
6 being (RCW 70.74.270)
7 Incest 1 (RCW 9A.64.020(1))
8 Manufacture, deliver, or possess with
9 intent to deliver narcotics from
10 Schedule I or II (except heroin or
11 cocaine) (RCW 69.50.401(a)(1)(i))
12 Intimidating a Judge (RCW 9A.72.160)
13 Bail Jumping with Murder 1 (RCW
14 9A.76.170(2)(a))

15 V Persistent prison misbehavior (RCW
16 9.94.--- (section 1 of this act))
17 Criminal Mistreatment 1 (RCW 9A.42.020)
18 Theft of a Firearm (RCW 9A.56.300)
19 Reckless Endangerment 1 (RCW 9A.36.045)
20 Rape 3 (RCW 9A.44.060)
21 Sexual Misconduct with a Minor 1 (RCW
22 9A.44.093)
23 Child Molestation 3 (RCW 9A.44.089)
24 Kidnapping 2 (RCW 9A.40.030)
25 Extortion 1 (RCW 9A.56.120)
26 Incest 2 (RCW 9A.64.020(2))
27 Perjury 1 (RCW 9A.72.020)
28 Extortionate Extension of Credit (RCW
29 9A.82.020)
30 Advancing money or property for
31 extortionate extension of credit (RCW
32 9A.82.030)
33 Extortionate Means to Collect Extensions
34 of Credit (RCW 9A.82.040)
35 Rendering Criminal Assistance 1 (RCW
36 9A.76.070)
37 Bail Jumping with class A Felony (RCW
38 9A.76.170(2)(b))

1 Sexually Violating Human Remains (RCW
2 9A.44.105)
3 Delivery of imitation controlled substance
4 by person eighteen or over to person
5 under eighteen (RCW 69.52.030(2))

6 IV Residential Burglary (RCW 9A.52.025)
7 Theft of Livestock 1 (RCW 9A.56.080)
8 Robbery 2 (RCW 9A.56.210)
9 Assault 2 (RCW 9A.36.021)
10 Escape 1 (RCW 9A.76.110)
11 Arson 2 (RCW 9A.48.030)
12 Bribing a Witness/Bribe Received by
13 Witness (RCW 9A.72.090, 9A.72.100)
14 Malicious Harassment (RCW 9A.36.080)
15 Threats to Bomb (RCW 9.61.160)
16 Willful Failure to Return from Furlough
17 (RCW 72.66.060)
18 Hit and Run « Injury Accident (RCW
19 46.52.020(4))
20 Vehicular Assault (RCW 46.61.522)
21 Manufacture, deliver, or possess with
22 intent to deliver narcotics from
23 Schedule III, IV, or V or
24 nonnarcotics from Schedule I-V
25 (except marijuana or
26 methamphetamines) (RCW
27 69.50.401(a)(1)(ii) through (iv))
28 Influencing Outcome of Sporting Event (RCW
29 9A.82.070)
30 Use of Proceeds of Criminal Profiteering
31 (RCW 9A.82.080 (1) and (2))
32 Knowingly Trafficking in Stolen Property
33 (RCW 9A.82.050(2))

34 III Criminal Mistreatment 2 (RCW 9A.42.030)
35 Extortion 2 (RCW 9A.56.130)
36 Unlawful Imprisonment (RCW 9A.40.040)
37 Assault 3 (RCW 9A.36.031)
38 Assault of a Child 3 (RCW 9A.36.140)

1 Custodial Assault (RCW 9A.36.100)
2 Unlawful possession of firearm or pistol
3 by felon (RCW 9.41.040)
4 Harassment (RCW 9A.46.020)
5 Promoting Prostitution 2 (RCW 9A.88.080)
6 Willful Failure to Return from Work
7 Release (RCW 72.65.070)
8 Burglary 2 (RCW 9A.52.030)
9 Introducing Contraband 2 (RCW 9A.76.150)
10 Communication with a Minor for Immoral
11 Purposes (RCW 9.68A.090)
12 Patronizing a Juvenile Prostitute (RCW
13 9.68A.100)
14 Escape 2 (RCW 9A.76.120)
15 Perjury 2 (RCW 9A.72.030)
16 Bail Jumping with class B or C Felony (RCW
17 9A.76.170(2)(c))
18 Intimidating a Public Servant (RCW
19 9A.76.180)
20 Tampering with a Witness (RCW 9A.72.120)
21 Manufacture, deliver, or possess with
22 intent to deliver marijuana (RCW
23 69.50.401(a)(1)(ii))
24 Delivery of a material in lieu of a
25 controlled substance (RCW
26 69.50.401(c))
27 Manufacture, distribute, or possess with
28 intent to distribute an imitation
29 controlled substance (RCW
30 69.52.030(1))
31 Recklessly Trafficking in Stolen Property
32 (RCW 9A.82.050(1))
33 Theft of livestock 2 (RCW 9A.56.080)
34 Securities Act violation (RCW 21.20.400)
35 II Malicious Mischief 1 (RCW 9A.48.070)
36 Possession of Stolen Property 1 (RCW
37 9A.56.150)
38 Theft 1 (RCW 9A.56.030)

1 Possession of controlled substance that is
2 either heroin or narcotics from
3 Schedule I or II (RCW 69.50.401(d))
4 Possession of phencyclidine (PCP) (RCW
5 69.50.401(d))
6 Create, deliver, or possess a counterfeit
7 controlled substance (RCW
8 69.50.401(b))
9 Computer Trespass 1 (RCW 9A.52.110)
10 Escape from Community Custody (RCW
11 72.09.310)

12 I Theft 2 (RCW 9A.56.040)
13 Possession of Stolen Property 2 (RCW
14 9A.56.160)
15 Forgery (RCW 9A.60.020)
16 Taking Motor Vehicle Without Permission
17 (RCW 9A.56.070)
18 Vehicle Prowl 1 (RCW 9A.52.095)
19 Attempting to Elude a Pursuing Police
20 Vehicle (RCW 46.61.024)
21 Malicious Mischief 2 (RCW 9A.48.080)
22 Reckless Burning 1 (RCW 9A.48.040)
23 Unlawful Issuance of Checks or Drafts (RCW
24 9A.56.060)
25 Unlawful Use of Food Stamps (RCW 9.91.140
26 (2) and (3))
27 False Verification for Welfare (RCW
28 74.08.055)
29 Forged Prescription (RCW 69.41.020)
30 Forged Prescription for a Controlled
31 Substance (RCW 69.50.403)

1 Possess Controlled Substance that is a
2 Narcotic from Schedule III, IV, or V
3 or Non-narcotic from Schedule I-V
4 (except phencyclidine) (RCW
5 69.50.401(d))"

6 **SSB 5905** - H COMM AMD
7 By Committee on Corrections

8
9 In line 1 of the of the title, after "misbehavior;" strike the
10 remainder of the title and insert "reenacting and amending RCW
11 9.94A.320; adding a new section to chapter 9.94 RCW; and prescribing
12 penalties."

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